



# San Diego City Attorney Jan I. Goldsmith

---

## NEWS RELEASE

**FOR IMMEDIATE RELEASE: November 23, 2015**

Contact: [Gerry Braun](mailto:gbraun@sandiego.gov), Director of Communications: [gbraun@sandiego.gov](mailto:gbraun@sandiego.gov) (619) 533-4782

### **Another MAD Victory for City Attorney's Office**

*Court of Appeal rejects SDFOG's bid to end neighborhood improvement programs*

San Diego property owners can continue to assess themselves as a way to pay for neighborhood maintenance and improvement programs, California's Fourth Appellate District Court of Appeal ruled today.

The Court of Appeal dismissed a suit filed by San Diegans for Open Government and attorney Cory Briggs against the City and its 57 voluntary Maintenance Assessment Districts (MADs).

In so doing, the appeals court affirmed an earlier San Diego Superior Court ruling that dismissed the case "for lack of standing and failure to state a cause of action."

The City has approved ordinances since 1969 that form MADs and enable them to impose assessments on district property owners to pay for community improvements and maintenance programs beyond those provided by the City.

Typical enhanced services provided by MADs include: parkway landscaping and maintenance; sidewalk cleaning and litter removal; landscape and hardscape medians; graffiti removal; public right-of-way improvements; tree trimming; decorative streetlights, and security services.

SDFOG, in its lawsuit, claimed the Council resolutions were flawed but, as the Court of Appeal noted, SDFOG provided no "support in the record" to substantiate that claim.

The Court of Appeal also affirmed the lower court ruling that SDFOG had no legal standing to bring a lawsuit – saying that SDFOG's "novel theories on standing" in the case were not legally supportable, as it had no "concrete and actual" interest in the MAD assessments, only a "conjectural or hypothetical" one.

Had SDFOG prevailed in the case, the 57 assessment districts would have been invalidated, and the City would have been required to issue refunds to their members, potentially involving tens of millions of dollars.

**"Maintenance Assessment Districts are legal and popular, and only property owners, who benefit from the enhanced services, are assessed,"** City Attorney Jan Goldsmith said. **"By this ruling, 57 neighborhoods can continue to voluntarily assess their properties in a way that maintains and improves the community."**

The case was argued for the City by Deputy City Attorney Carmen A. Brock.

The 57 Maintenance Assessment Districts are:

Adams Avenue MAD  
Barrio Logan MAD  
Bay Terraces - Honey Drive MAD  
Bay Terraces - Parkside MAD  
Bird Rock MAD  
Black Mountain Ranch North MAD  
Black Mountain Ranch South MAD  
Calle Cristobal MAD  
Camino Santa Fe MAD  
Campus Point MAD  
Carmel Mountain Ranch MAD  
Carmel Valley MAD  
Carmel Valley Neighborhood #10 MAD  
Central Commercial MAD  
City Heights MAD  
College Heights MAD  
Coral Gate MAD  
Coronado View MAD  
Del Mar Terrace MAD  
Eastgate Technology Park MAD  
El Cajon Boulevard MAD  
First San Diego River Improvement Project MAD  
Gateway Center East MAD  
Genesee Ave. & North Torrey Pines Road MAD  
Hillcrest MAD  
Hillcrest Core MAD  
Kings Row MAD  
La Jolla Village Drive MAD  
Liberty Station MAD  
Linda Vista Community MAD  
Little Italy MAD  
Mira Mesa MAD  
Miramar Ranch North MAD  
Mission Boulevard MAD  
Mission Hills Historic Street Lighting MAD  
Newport Avenue MAD  
North Park MAD  
Ocean View Hills MAD  
Otay International Center MAD  
Pacific Highlands Ranch MAD  
Park Village MAD  
Penasquitos East MAD  
Rancho Bernardo MAD  
Rancho Encantada - Stonebridge Estates MAD

---

Recent City Attorney media releases can be accessed on the San Diego City Attorney's home page located on the Internet at <http://www.sannet.gov/city-attorney>

**1200 Third Avenue, Suite 1620, San Diego, California 92101-4188 (619) 236-6220**

Remington Hills MAD  
Robinhood Ridge MAD  
Sabre Springs MAD  
Scripps Miramar Ranch MAD  
Stonecrest Village MAD  
Street Light District #1 MAD  
Talmadge MAD  
Tierrasanta MAD  
Torrey Highlands MAD  
Torrey Hills MAD  
University Heights MAD  
Washington Street MAD  
Webster - Federal Blvd MAD

Per MAD guidelines, maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of improvements, services and appurtenant facilities, including repair, removal or replacement of all or part of any of the improvements, services or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping improvements including cultivation, drainage, irrigation, trimming, mowing, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning and sweeping of the sidewalk and gutter, collection and disposal of fallen branches and trees, tree and bush trimming, placement of street furniture, banner installation, security services, including homeless patrolling and reporting of security and safety problems to governmental agencies and the cleaning, sandblasting, and painting of walls, and other improvements to remove or cover graffiti.

Also: Servicing means the furnishing of water and electricity for the irrigation of the Improvements or appurtenant facilities including any decorative lighting and the furnishing of electric current or energy, gas or other illuminating agent for the lighting improvements. Servicing also allows for the replacement of the facilities in order to maintain them in proper working order and to provide specific benefit to the District; or providing security and homeless patrols and other activities related to maintaining security.

###